



DOI: <https://doi.org/10.38035/gijlss.v4i3>
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Application of the Best Interests of the Child Principle in the Imposition of Guidance Sentences: An Analysis of Decision Number 6/Pid.Sus-Anak/2025/PN UNR

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Abstract: The principle of the best interests of the child constitutes a fundamental principle within the juvenile criminal justice system, requiring that every criminal sanction be oriented toward protection, rehabilitation, and social reintegration. This study analyzes the application of this principle in Decision Number 6/Pid.Sus-Anak/2025/PN UNR and examines its implications for the protection of children's rights and the achievement of rehabilitative objectives. The research employs a normative juridical method using statutory, case, and conceptual approaches. The findings indicate that the judge considered the child's psychological and social conditions, family background, educational rights, social inquiry report, and the child's relationship with family members in determining the placement for institutional guidance. Nevertheless, the decision still requires stronger legal reasoning regarding the selection of institutional guidance as the most proportional measure for the child. Based on international standards and the criminal law policy governing juvenile justice, deprivation of liberty should be regarded as a measure of last resort, applied proportionately, and directed toward recovery and social reintegration. The contribution of this study lies in formulating the best interests of the child as a substantive parameter in imposing guidance sentences, encompassing an assessment of the child's circumstances, the choice of sanctions, the duration of punishment, the place of guidance, the protection of educational rights, victim restoration, and social reintegration planning.

Keywords: Best Interests Of The Child, Juvenile Justice, Institutional Guidance, Restorative Justice, Juvenile Criminal Justice System.

INTRODUCTION

Children in conflict with the law occupy a unique position within the criminal justice system. On the one hand, children may commit acts that fulfill the elements of a criminal offense and cause harm to victims and society. On the other hand, children do not yet possess the same level of physical, psychological, social, and moral maturity as adults; therefore, the legal response to children cannot be equated with the legal response to adult offenders. This

distinction gives rise to the need for a juvenile criminal justice system that is special, protective, educational, and restorative in nature.

In international law, the principle of the best interests of the child derives its fundamental basis from the Convention on the Rights of the Child 1989. Article 3 paragraph (1) of the CRC affirms that in all actions concerning children, whether undertaken by social welfare institutions, courts, administrative authorities, or legislative bodies, the best interests of the child shall be a primary consideration (United Nations, 1989). This principle has subsequently been adopted into the Indonesian legal system through various legal instruments, particularly Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2014 concerning Child Protection.

In the national context, Article 2 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System places the best interests of the child as one of the guiding principles in the administration of the juvenile criminal justice system. This principle is also consistent with Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which guarantees children's rights to survival, growth, development, and protection from violence and discrimination. Thus, the best interests of the child are not merely a moral principle but a legal principle that is binding upon all law enforcement officials at every stage of the juvenile criminal process.

Normatively, the Juvenile Criminal Justice System Law has shifted the orientation of handling juvenile cases from a retributive approach toward a restorative approach. This is reflected in the regulation of diversion, restorative justice, limitations on detention, prioritization of rehabilitative measures, and the positioning of punishment as a last resort. Setya Wahyudi asserts that the juvenile criminal justice system must prioritize the principles of child protection and restorative justice and regard punishment as an *ultimum remedium* (Wahyudi, 2011). Accordingly, punishment imposed on children should not be understood as a means of retaliation but rather as an instrument of rehabilitation that continues to safeguard the rights and future of the child.

However, in practice, the implementation of the principle of the best interests of the child still faces challenges. Court decisions in juvenile cases often demonstrate tensions between the interests of law enforcement, the interests of victims, societal pressures, and the interests of child rehabilitation. In certain cases, judges have referred to the principle of the best interests of the child in their legal considerations, yet the judgment still imposes sanctions that restrict the child's liberty. This situation raises an academic question: does the mere mention of the principle of the best interests of the child in judicial reasoning sufficiently demonstrate its substantive application?

This study is based on Decision Number 6/Pid.Sus-Anak/2025/PN UNR as its object of analysis. The decision is noteworthy because the judge imposed institutional guidance on the child while simultaneously considering the child's relationship with the family, educational rights, psychological condition, and the recommendations contained in the social inquiry report. The judge did not fully follow the prosecutor's demand regarding the place of execution of the sentence but instead selected a Special Child Development Institution that was closer to the child's family residence. Therefore, this decision provides an important analytical framework for assessing how the principle of the best interests of the child operates in the practice of sentencing juvenile offenders.

The research gap of this study lies in the limited number of studies that specifically evaluate the application of the principle of the best interests of the child in the imposition of guidance sentences based on an actual judicial decision, particularly when judges continue to impose institutional sanctions while providing considerations aimed at protecting the child's future. Previous studies have largely discussed the principle of the best interests of the child in the contexts of diversion, marriage dispensation, child support, or child protection in

general. This study, however, specifically examines how the principle is applied in both the judicial reasoning and the operative ruling of a juvenile criminal decision, namely Decision Number 6/Pid.Sus-Anak/2025/PN UNR.

The novelty of this study lies in its analysis of the application of the principle of the best interests of the child in an actual juvenile criminal decision, particularly in assessing the relationship between institutional guidance, the principle of *ultimum remedium*, educational rights, family support, and the objective of social reintegration. This study not only evaluates whether the judge expressly referred to the principle of the best interests of the child but also examines whether the type of sanction, the duration of the sentence, and the place of execution reflect a substantive child-protection orientation.

Based on the foregoing background, this study addresses two issues. First, how is the principle of the best interests of the child implemented in handling cases involving children in conflict with the law in Decision Number 6/Pid.Sus-Anak/2025/PN UNR? Second, what are the implications of the decision for the protection of children's rights and the objectives of child rehabilitation within the Juvenile Criminal Justice System?

METHOD

This study employs a normative juridical research method. Normative legal research is used to examine legal norms, legal principles, legal doctrines, and court decisions relevant to the application of the principle of the best interests of the child in the imposition of juvenile sanctions. According to Peter Mahmud Marzuki, legal research is a process of identifying legal rules, legal principles, and legal doctrines in order to address legal issues encountered (Marzuki, 2019). Therefore, this study positions law as a system of norms analyzed based on primary legal materials, secondary legal materials, and tertiary legal materials.

The approaches employed consist of a statutory approach, a case approach, and a conceptual approach. The statutory approach is used to examine legal regulations governing child protection and the juvenile criminal justice system, particularly the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Child Protection, and the Convention on the Rights of the Child 1989. The case approach is used to analyze Decision Number 6/Pid.Sus-Anak/2025/PN UNR as the primary object of the study. The conceptual approach is used to explain the concepts of the best interests of the child, restorative justice, *ultimum remedium*, and juvenile sentencing.

The primary legal materials in this study consist of legislation and Decision Number 6/Pid.Sus-Anak/2025/PN UNR. The secondary legal materials include books, scholarly journals, and expert opinions concerning child protection, the juvenile criminal justice system, restorative justice, and sentencing theory. The tertiary legal materials include legal dictionaries and other relevant supporting sources. All legal materials are analyzed qualitatively through grammatical, systematic, and teleological interpretation in order to assess the conformity between legal norms and the judicial considerations contained in the decision under review.

RESULTS AND DISCUSSION

The Principle of the Best Interests of the Child in the Juvenile Criminal Justice System

The principle of the best interests of the child is a principle that places children as legal subjects who must receive special protection. This principle is based on the understanding that children have not yet attained full maturity in physical, mental, social, and moral aspects; therefore, every decision concerning children must take into account its impact on the child's survival, development, dignity, and future. Arif Gosita explains that child protection encompasses all efforts undertaken to create conditions that enable children to exercise their

rights and obligations for their proper development and growth, whether physical, mental, or social (Gosita, 2004).

Within the juvenile criminal justice system, the principle of the best interests of the child occupies a highly central position because it functions both as a guiding norm and a limiting norm. As a guiding norm, this principle provides direction for all law enforcement officials to ensure that every action, decision, and policy concerning children is not solely aimed at establishing guilt and imposing punishment, but also at protecting children's rights, education, rehabilitation, recovery, and social reintegration. Accordingly, children in conflict with the law should not be viewed merely as offenders but as legal subjects who are still in the process of growth and development and who still possess substantial potential for rehabilitation.

As a limiting norm, the principle of the best interests of the child serves to prevent the excessive use of repressive criminal sanctions. In this context, measures such as arrest, detention, and the imposition of sanctions restricting a child's liberty must be regarded as measures of last resort rather than primary responses. Such limitations are necessary because formal criminal justice proceedings have the potential to generate negative consequences for children, including psychological trauma, social stigmatization, disruption of education, and impairment of the child's relationship with family and social environment. Therefore, every form of deprivation of liberty imposed on a child must always be assessed based on actual necessity, proportionality, and its benefits for the child's future.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System contains a number of provisions reflecting the principle of the best interests of the child. First, the juvenile criminal justice system is required to prioritize a restorative justice approach, namely a method of case resolution that emphasizes recovery rather than retribution. Second, diversion must be pursued at the stages of investigation, prosecution, and court examination of juvenile cases as a means of transferring case resolution from the formal criminal justice process to mechanisms outside the judicial system. This obligation demonstrates that juvenile criminal law is not designed to immediately subject children to punitive processes but rather to first seek resolutions that are more educational, participatory, and protective of the child's future.

The Juvenile Criminal Justice System Law limits the use of detention and custodial sanctions against children. Sanctions imposed must not violate the dignity and worth of the child; therefore, judges are required to consider the child's personal circumstances, age, family background, psychological condition, educational status, and the recommendations of community advisors. Within this framework, imprisonment or institutional guidance must be positioned as an *ultimum remedium*, meaning that it should only be used when other alternatives are inadequate to protect the interests of the child, the victim, and society.

The principle of the best interests of the child does not imply disregarding the child's criminal responsibility. Children who commit criminal offenses may still be held accountable in accordance with the law. However, such accountability must be imposed within a rehabilitative framework rather than a retributive one. Maidin Gultom emphasizes that within the juvenile criminal justice process, every legal measure directed at children must prioritize protection and rehabilitation rather than mere punishment (Gultom, 2014). Accordingly, the primary focus of the juvenile criminal justice system is not how severely a child is punished, but rather the extent to which the legal process can prevent recidivism and assist the child in returning to society in a healthy manner.

Restorative justice constitutes one of the principal instruments for realizing the principle of the best interests of the child. Muladi explains that restorative justice is an approach to resolving criminal cases that emphasizes the restoration of losses resulting from criminal acts by involving relevant parties in order to achieve a fair resolution (Muladi,

2002). In the context of juvenile cases, this approach is important because children should not be regarded solely as perpetrators of crime but as individuals who remain capable of rehabilitation and recovery.

Nevertheless, the implementation of the best interests of the child in juvenile criminal cases cannot be separated from the interests of victims. In cases involving children as offenders, particularly those concerning sexual violence or acts causing trauma, the protection of child offenders must be balanced with the protection of child victims. Achieving this balance is not easy because the justice system must avoid two extremes: being excessively repressive toward child offenders to the detriment of their future, or being overly permissive and thereby disregarding the suffering of victims. Therefore, judges play a central role in simultaneously assessing proportionality, rehabilitative needs, and victim protection.

International Comparative Standards and the Criminal Law Policy on Juvenile Justice

International standards concerning juvenile justice provide an important comparative framework for assessing whether a juvenile criminal judgment is consistent with the principles of protection, rehabilitation, and social reintegration. In this context, the Convention on the Rights of the Child 1989, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules) provide relevant normative benchmarks for the sentencing of children.

The Convention on the Rights of the Child (CRC) affirms that every action concerning children must place the best interests of the child as a primary consideration. In the context of children in conflict with the law, the CRC further emphasizes that the deprivation of a child's liberty shall be used only as a measure of last resort and for the shortest appropriate period of time. In addition, every child deprived of liberty must continue to be treated humanely, have his or her dignity respected, be separated from adults, and retain the right to maintain contact with family through correspondence and visits, unless such contact is contrary to the child's best interests (United Nations, 1989). These provisions demonstrate that the restriction of a child's liberty should not be viewed merely as a penal consequence but must be evaluated in light of the protection of the child's dignity, development, and future.

The Beijing Rules reinforce this principle by placing the welfare of the child as the primary objective of juvenile justice. Rule 5.1 of the Beijing Rules affirms that the juvenile justice system shall emphasize the well-being of the child and ensure that any response to juvenile offenders is always proportionate to both the circumstances of the offender and the offense. Furthermore, Rule 17.1 provides that restrictions on a child's personal liberty shall be imposed only after careful consideration and shall be limited to the minimum necessary. Even more explicitly, Rule 19.1 states that the institutionalization of a child shall always be a disposition of last resort and for the minimum necessary period (United Nations, 1985). Accordingly, international standards do not entirely prohibit institutional sanctions for children, but they require that such measures be strictly limited.

The Riyadh Guidelines provide a broader perspective by placing the prevention of juvenile delinquency within the framework of social policy rather than merely criminal policy. These Guidelines emphasize the importance of child-centered approaches, family support, education, a healthy social environment, and community involvement in preventing children from entering or re-entering the criminal justice system (United Nations, 1990).

From this perspective, the handling of children in conflict with the law should not focus solely on responses after a criminal offense has occurred but must also consider the social, familial, educational, and environmental factors influencing the child's behavior. Therefore,

juvenile criminal judgments should ideally not stand alone but should form part of a broader rehabilitative strategy.

The Havana Rules become particularly relevant when a child has been sentenced to a sanction involving deprivation of liberty or placement in a correctional institution. These Rules affirm that the juvenile justice system must uphold the rights and safety of children and promote their physical and mental well-being. Deprivation of liberty should be used as a measure of last resort, for the shortest possible period, and only in exceptional cases.

The provisions of the Havana Rules further emphasize that children placed in correctional facilities must be provided with meaningful activities and programs, education, vocational training, healthcare services, family contact, and preparation for reintegration into society. This standard is important in assessing whether institutional guidance is genuinely rehabilitative or has instead become a disguised form of imprisonment.

These international standards are consistent with the direction of Indonesia's criminal law policy concerning juvenile justice. From the perspective of criminal law policy, the enactment of the Juvenile Criminal Justice System Law reflects a shift in the State's policy orientation in responding to criminal offenses committed by children. Juvenile criminal law policy no longer regards punishment as an instrument of retribution but rather as a means of protection, rehabilitation, recovery, and the prevention of reoffending. Barda Nawawi Arief states that modern criminal law is not solely oriented toward retribution but also toward offender rehabilitation and the prevention of future criminal conduct (Arief, 2010). In the context of children, this orientation acquires even greater significance because children are still in a developmental stage and possess substantial potential for rehabilitation.

The shift in juvenile criminal law policy is also reflected in the strengthening of diversion and restorative justice within the Juvenile Criminal Justice System Law. Setya Wahyudi emphasizes that the juvenile justice system must prioritize child protection and restorative justice while positioning punishment as an *ultimum remedium* (Wahyudi, 2011). Therefore, the choice of sanctions imposed on children cannot be separated from the broader direction of criminal law policy, which seeks to keep children as far as possible from the negative consequences of formal judicial proceedings and custodial sanctions.

Based on these international standards and the criminal law policy governing juvenile justice, the assessment of Decision Number 6/Pid.Sus-Anak/2025/PN UNR must be conducted substantively. The question is not merely whether the judge imposed the sentence pursuant to authority granted by law, but also whether the decision reflects the principles of last resort, proportionality, protection of educational rights, family support, and the child's social reintegration. Within this framework, an analysis of the judge's reasoning becomes important in determining the extent to which the principle of the best interests of the child genuinely operates in the imposition of institutional guidance sanctions.

Analysis of the Judge's Considerations in Decision Number 6/Pid.Sus-Anak/2025/PN UNR

Decision Number 6/Pid.Sus-Anak/2025/PN UNR concerns a juvenile case in which the child was charged with committing a criminal offense as regulated under the provisions of the Child Protection Law. The public prosecutor requested that the child be sentenced to two years of imprisonment at the Class I Special Child Development Institution (LPKA) in Kutoarjo, along with a job training sanction in lieu of a fine for a period of three months. In its decision, the court imposed a sentence of institutional guidance at the Class I Special Child Development Institution (LPKA) in Blitar for a period of two years and a job training sanction in lieu of a fine for six months, to be carried out in the afternoon and not interfere with the child's study hours.

From the perspective of legal reasoning, the judge demonstrated efforts to integrate the principle of the best interests of the child. This is reflected in several considerations. First, the judge took into account the child's personal circumstances. In the decision, the judge considered that the child's behavioral deviation was caused by various factors, including a lack of affection, care, guidance, supervision, and parental support, making the child vulnerable to unhealthy social influences. This consideration is important because the judge did not view the criminal act merely as an individual action but also as a product of social and family conditions affecting the child's development.

Second, the judge considered the role of the family in the child's rehabilitation process. The child's parents requested that the child not be separated from the family while serving the sentence, arguing that they were capable of caring for, educating, guiding, and supervising the child. The judge incorporated this request into the legal considerations. Within the context of the principle of the best interests of the child, family support constitutes an important factor because the rehabilitation process does not take place solely within an institution but also requires emotional and social bonds with the family. A child placed too far from the family faces the risk of losing emotional support, which may ultimately hinder the rehabilitation process.

Third, the judge considered the child's right to education. The decision states that the child was not attending school due to the ongoing legal process. Therefore, the judge determined that the appropriate sanction was institutional guidance while continuing to take into account the child's rights, interests, and development. Furthermore, the job training sanction in lieu of a fine was ordered to be carried out for two hours in the afternoon so as not to interfere with the child's study hours. This consideration demonstrates the judge's awareness that criminal proceedings should not deprive a child of the right to education.

Fourth, the judge relied on the social inquiry report as one of the bases for consideration. Within the juvenile criminal justice system, the social inquiry report constitutes an important instrument for understanding the child's background, family circumstances, social environment, and appropriate recommendations for handling the case. By taking this report into consideration, the judge sought to view the child comprehensively rather than solely through the lens of the criminal offense charged. This is consistent with the principle of individualized sentencing in juvenile cases.

Fifth, the judge did not fully follow the public prosecutor's request regarding the institution where the child would serve the sentence. The public prosecutor requested that the child be placed in the Class I LPKA in Kutoarjo, whereas the judge imposed institutional guidance at the Class I LPKA in Blitar. This choice demonstrates that the judge considered not only the administrative aspects of sentence implementation but also the child's proximity to the family as part of the child's best interests. In juvenile criminal cases, the location of rehabilitation has substantive significance because it affects the frequency of family visits, emotional support, parental supervision, and the child's readiness to return to society after completing the rehabilitation program.

Nevertheless, the application of the principle of the best interests of the child in this decision cannot be considered entirely optimal. The principal issue lies in the choice of institutional guidance for a period of two years. From the perspective of the Juvenile Criminal Justice System Law, sanctions that restrict a child's liberty must be treated as measures of last resort. Therefore, every decision imposing institutional sanctions must contain strong reasoning as to why alternative sanctions are insufficient to achieve the objectives of rehabilitation and the protection of society.

In this decision, the judge indeed considered the child's rehabilitative needs, social circumstances, and educational interests. However, the reasoning as to why non-institutional sanctions were not selected should have been articulated more explicitly. The child's legal

counsel essentially requested that the judge impose a non-institutional sanction through alternative forms of rehabilitation such as Islamic boarding schools, social welfare institutions, or religious and educational institutions. The judge nevertheless opted for institutional guidance. From an academic perspective, the decision would have been stronger had the judge explained in detail why non-institutional rehabilitation alternatives were deemed inadequate and why institutional guidance for a period of two years constituted the most proportionate option. This is consistent with international standards that regard deprivation of a child's liberty as a measure of last resort and for the shortest appropriate period of time (United Nations, 1985).

Another aspect that warrants critical examination is the relationship between the interests of the child offender and the child victim. The principle of the best interests of the child in cases involving both child offenders and child victims should be interpreted in a balanced manner: the best interests of the child offender and the best interests of the child victim. A sound juvenile criminal judgment should not only consider the future of the child offender but should also pay attention to the recovery of the victim. Therefore, a restorative approach requires attention to victim recovery mechanisms, psychological support, the victim's sense of security, and guarantees that the legal process will not exacerbate the victim's trauma (United Nations, 1989).

Accordingly, the implementation of the principle of the best interests of the child in Decision Number 6/Pid.Sus-Anak/2025/PN UNR is reflected in the judge's considerations concerning the child's personal circumstances, family support, educational rights, the social inquiry report, and the selection of the rehabilitation institution. However, such implementation cannot be regarded as entirely optimal because the reasoning supporting institutional guidance as a measure of last resort was not explained in depth.

Implications of the Decision for the Protection of Children's Rights and the Objectives of Child Rehabilitation

Decision Number 6/Pid.Sus-Anak/2025/PN UNR has significant implications for the protection of children's rights and the objectives of rehabilitation within the Juvenile Criminal Justice System. These implications are particularly evident in the manner in which the judge viewed the child not merely as a perpetrator of a criminal offense, but as a legal subject who is still in the process of growth and development and requires rehabilitation. The judge's considerations regarding family conditions, parental supervision, social environment, and the child's personal circumstances demonstrate an effort to place the child within his or her social and psychological context rather than solely within the framework of criminal culpability.

The first implication concerns the protection of the child's right to humane treatment. In juvenile cases, punishment should not be directed solely toward retribution but must continue to take into account the child's dignity, future, and capacity for rehabilitation. This perspective is consistent with the principle that children in conflict with the law must be treated in accordance with their age, developmental needs, and the objective of social reintegration. Accordingly, the punishment of children must be fundamentally distinguished from the punishment of adults.

The second implication concerns the protection of the child's right to education. The determination that the job training sanction in lieu of a fine be carried out in the afternoon and not interfere with study hours demonstrates that the judge paid attention to the continuity of the child's education. This is important because education constitutes an integral component of rehabilitation. Punishment that disrupts access to education may increase the risk of social exclusion and hinder the child's reintegration into society.

The third implication is the importance of family support in the rehabilitation process. The placement of the child in the Class I LPKA in Blitar indicates that the judge considered

the location of rehabilitation as a factor that would better facilitate the child's connection with the family. In juvenile cases, proximity to family is not merely an administrative matter but forms part of the child's rehabilitative needs. Family support can help maintain emotional stability, strengthen supervision, and prepare the child for reintegration into society after completing the rehabilitation program.

The fourth implication relates to the principle of *ultimum remedium*. Although the sanction imposed took the form of institutional guidance, such a measure nevertheless involves a restriction of the child's liberty. Therefore, institutional guidance must continue to be regarded as a measure of last resort and can only be justified when other alternatives are inadequate. International standards likewise affirm that restrictions on a child's liberty must be used only as a last resort, for the shortest appropriate period of time, and on the basis of careful consideration (United Nations, 1989).

The fifth implication concerns the objectives of child rehabilitation. The primary purpose of juvenile sanctions is not retribution but rehabilitation, behavioral improvement, and the prevention of reoffending. The criminal law policy governing juvenile justice under the Juvenile Criminal Justice System Law is directed toward protection and rehabilitation rather than repressive punishment. This is consistent with the view that modern criminal law is not solely oriented toward retribution but also toward offender rehabilitation and the prevention of future criminal conduct (Arief, 2010).

However, the effectiveness of institutional guidance depends greatly on the quality of its implementation. The LPKA must be capable of providing education, vocational training, psychological assistance, moral guidance, family contact, and preparation for social reintegration. Otherwise, institutional guidance risks becoming a disguised form of imprisonment. The Havana Rules affirm that children deprived of liberty must be provided with meaningful programs, education, vocational training, contact with family, and assistance in returning to society (United Nations, 1990).

Accordingly, the implications of Decision Number 6/Pid.Sus-Anak/2025/PN UNR for the protection of children's rights are reflected in the protection of educational rights, the need for family support, humane treatment, and guarantees of social reintegration. With respect to the objectives of child rehabilitation, the decision affirms that institutional guidance can only be justified when it is genuinely directed toward education, behavioral improvement, recovery, and preparing the child to return to society.

The Best Interests of the Child as a Substantive Parameter in Sentencing

The primary issue in the application of the principle of the best interests of the child is the tendency to treat it merely as a declaratory principle. Judges may refer to the principle in their legal reasoning, but this does not necessarily mean that they use it as a benchmark for evaluating the type, duration, and place of execution of a sentence. In juvenile criminal cases, however, this principle should function as a substantive parameter throughout the sentencing process.

As a substantive parameter, the best interests of the child should operate at three stages: the assessment of the child's circumstances, the selection of the type of sanction or measure, and the determination of the implementation of the sentence. At the first stage, judges should assess the child's age, psychological condition, educational background, family situation, social environment, and capacity for rehabilitation. At the second stage, judges must compare the available sanctions under the Juvenile Criminal Justice System Law and select the response that is least detrimental to the child while still taking into account the interests of the victim and society. At the third stage, judges should consider the place of rehabilitation, family access, education, assistance, and supervisory mechanisms. This framework is consistent with international standards that place the best interests of the child,

proportionality, and deprivation of liberty as a measure of last resort within juvenile justice systems (United Nations, 1985).

Decision Number 6/Pid.Sus-Anak/2025/PN UNR demonstrates the application of this principle, particularly through the assessment of the child's circumstances and the selection of a rehabilitation institution located closer to the family. However, the reasoning concerning the choice of institutional guidance rather than non-institutional alternatives still requires further strengthening. Judges should not merely state that a decision is rendered in the best interests of the child but should also explain why institutional sanctions constitute the most proportionate option in the specific case.

Such scrutiny is important because institutional guidance still involves a restriction of the child's liberty. Although it differs from adult imprisonment, institutional guidance must nevertheless be regarded as a measure of last resort. Such a choice should not be based on habitual sentencing practices or institutional convenience but must be genuinely necessary for the child's development. Without such reasoning, institutional guidance risks becoming a disguised form of punishment that is contrary to restorative justice and the principle of *ultimum remedium* (United Nations, 1985).

From the perspective of juvenile criminal law policy, the principle of the best interests of the child constitutes the core of juvenile sentencing policy. The Juvenile Criminal Justice System Law requires that the State not merely act as a punisher but also as a protector, rehabilitator, and facilitator of social reintegration. Therefore, the greater the restriction of liberty imposed upon a child, the stronger the legal and social justifications that must be provided by the judge (Arief, 2010).

This substantive parameter must also maintain a balance between the protection of child offenders and the recovery of child victims. In cases involving child victims, the best interests principle must not be interpreted solely from the perspective of the child offender. Judges must also take into account the victim's trauma, recovery needs, sense of security, and guarantees against the repetition of the offense. Accordingly, the principle of the best interests of the child functions not only to prevent repressive punishment of child offenders but also to ensure that the rights of child victims remain protected (United Nations, 1989).

Furthermore, every decision that restricts a child's liberty must guarantee the continuity of education and social reintegration. Rehabilitation must include education, vocational training, psychological assistance, family relationships, and preparation for reintegration into society. Without these elements, a juvenile criminal judgment merely satisfies formal legal requirements while failing to achieve the substantive objectives of the juvenile criminal justice system (United Nations, 1990).

In Decision Number 6/Pid.Sus-Anak/2025/PN UNR, the proximity of the rehabilitation institution to the child's family constitutes a positive aspect because it demonstrates the judge's sensitivity to the child's emotional and social needs. However, this consideration should have been supplemented by an explanation regarding the quality of rehabilitation provided by the selected institution, including education, behavioral rehabilitation, moral guidance, vocational training, and evaluation of the child's development. Accordingly, the principle of the best interests of the child must be treated as a binding evaluative standard rather than merely a normative phrase in judicial decisions.

CONCLUSION

The application of the principle of the best interests of the child in Decision Number 6/Pid.Sus-Anak/2025/PN UNR is reflected in the judge's considerations of the child's psychological and social conditions, family background, educational rights, social inquiry report, and the importance of maintaining the child's proximity to the family during the rehabilitation process. These considerations demonstrate that the judge did not merely regard

the child as a perpetrator of a criminal offense, but also as a subject who still requires protection, rehabilitation, and social reintegration. However, the application of this principle cannot be regarded as entirely optimal because the judge nevertheless imposed a sentence of institutional guidance for a period of two years. Although institutional guidance differs from adult imprisonment, this form of sanction still involves a restriction of the child's liberty. Therefore, the choice of an institutional sanction should be subjected to stricter scrutiny based on the principle of ultimum remedium, international standards of juvenile justice, and the criminal law policy governing juvenile justice, which is oriented toward protection, recovery, and rehabilitation. Accordingly, the principle of the best interests of the child should not merely be treated as a declaratory principle within judicial reasoning. Rather, it must serve as a substantive parameter in determining the type of sanction, the duration of the sentence, the place of rehabilitation, the protection of educational rights, family support, victim recovery, and the child's social reintegration plan.

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